IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 10064 of 2007(W)

PETITIONER:

SHRI.MOHANDASAN.N.M., AGED 42 YEARS,
S/O.MADAVAN, NJATTUVETTY HOUSE, PAZHUVIL WEST,
KURUMBILAVU VILLAGE, THRISSUR TALUK,
THRISSUR-DIST. (NOW EMPLOYED AS DRIVER IN
EXCISE DEPARTMENT).

BY ADV. SRI.M.H.HANIL KUMAR

RESPONDENTS:

1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND,
THRISSUR.

2. VILLAGE OFFICER,
KURUMBILAVU VILLAGE, THRISSUR DIST.

3. DEPUTY TAHSILDAR,
REVENUE RECOVERY, THRISSUR.

4. TAHSILDAR, THRISSUR TALUK, DISTRICT.

5. DISTRICT COLLECTOR, THRISSUR DISTRICT.

BY ADV. SMT.I.SHEELADEVI, SC,KMTWF BOARD

G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.10064 of 2007

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Dated this the 2nd day of July, 2007

J U D G M E N T

The petitioner challenges the proceedings for recovery of contributions under the Kerala Motor Transport Workers Welfare Fund Act. The petitioner's contention is that he has not been served with a final determination order, without which no contributions could be demanded from him. The learned Standing Counsel appearing for the 1st respondent submits that the demand is only for advance contributions under Section 9. The petitioner submits that the petitioner may be given an opportunity to object to the demand for advance contributions.

2. I have heard the learned counsel for the petitioner, the learned Standing Counsel appearing for the 1st respondent and the learned Government Pleader.

3. In the facts and circumstances of the case, I dispose of this writ petition on the following terms:

The petitioner shall file his objections to the demand for advance contributions within two weeks from today. The 1st respondent shall consider the same and pass a speaking order regarding the amount due after deducting the amount paid pursuant to the interim order of this court. Till such an order is passed and communicated to the petitioner, further proceedings pursuant to the demand shall be kept in abeyance. However, the amount paid pursuant to the interim orders need not be refunded which shall be adjusted against amounts as per the final determination order.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.